

## UNITED STATES AND CANADA.

## EARL DURHAM'S REPORT.

Few men in this world, (militia companies always excepted) have been more popular than this same Earl of Durham. Though not yet fifty years of age, and as yet entirely innocent of the perpetration of any great, or uncommon deed, he already in the eyes of the world, occupies the position of a great man. Some fortuitous operations in the Coal trade, made John George Lambton a very wealthy commoner—a marriage with the daughter of Earl Grey, Prime Minister of England, made him the Earl of Durham. An expression that he favored triennial Parliaments, household suffrage, and vote by ballot, made him the hope of the English Radicals; and the danger of permitting a peer to encourage such heterodoxies, made him the "bought up" of the present English Dynasty. To Canada he was sent last spring with full powers to heal all breaches, but the young Queen having, in her mature wisdom seen fit to disapprove of his first acts, he spiritedly threw up his commission, and returned home, without saying "by your leave," for which conduct her majesty was graciously pleased to read him a lecture in matronly form.

Upon this he publishes to the world a report (of which we have a copy before us) to show that the Government of the British North American Colonies has been far more abominable, odious and desolating in its action, than ever the malcontents represented. A mystery involves the manner in which this ominous document became public property, for before "her Majesty's Ministers" had an opportunity of suppressing it all London found it in the newspapers, and although Lord Durham, and many "noble Lords" and "honorable gentlemen," in both houses of Parliament, denied all agency, and noble Lords and honorable gentlemen "opposite," were "perfectly satisfied" with the explanations of their "noble and honorable friend," some "noble Lord" or honorable gentleman, must nevertheless, have surreptitiously furnished a copy to the printers.

Instead of importing Jack-asses to America like Commodore Elliot, Lord Durham imported in his suite a considerable amount of cheap talent. That is cheap to the possessors at home, because the want of character, prevented them from employing it; though it might be extremely valuable abroad. For instance, his Lordship's legal adviser Mr. Turton, a person of great industry, and erudition, had through some misinterpretation of the text which authorized a man to cleave to his wife, by mistake cleaved to his wife's sister, which to the scandal of the nation, led to an unseemly exposure before the House of Lords; and Edward Gibbon Wakefield, another *attache*, a man of great literary attainments, is more generally known for having passed two years of philosophical retirement in Newgate prison, as a corrective hint to a bachelor of forty, for abducting from a boarding school, Miss Turner, an heiress of thirteen. These and others are the painters who portrayed the pictures of colonial misrule, (generally correct, though some old women's stories are introduced) to which Lord Durham's signature is affixed. It is however but justice to his Lordship to say that though his delineations, and arguments fully substantiate the positions of the revolutionists, his conclusions with true John Bull obstinacy, are often against them; and whenever Canadians of French descent are mentioned; the prejudices of his Lordship's English education, could not have shown themselves more miserably contemptible, and low, had he drunk porter all his days, in the bottom of one of his own coal pits.

During the protracted struggle for Colonial reform, the Federalist newspapers of the Union, ever anxious to exalt Great Britain, ever anxious to degrade America, invariably re-echoed the Tory cry, that no real grievances were known in the Colonies except what existed in the brains of designing demagogues; but now without retracting their long repeated ribaldry, they bespeak an English Lord for certifying that so far from exaggeration, the whole of the abominations were not told. There are in the Union many refugees, men standing high as they ever must stand, in the affection of their countrymen, who driven abroad with a price upon their heads; their property devastated, and their families beggared; only escaped a scaffold at home, to await a severer trial among strangers—the shafts of calumny—dictionaries have been ransacked for opprobrious epithets! To these men it must be a consolation, and a triumph to behold applause showered upon an English lord, for simply publishing a faithful paraphrase from their own writings, and remonstrances.—No man acquainted with history, can read Durham's report without deciding that the grievances of the northern provinces are infinitely greater than those which exacerbated these States previous to the Revolution.—*Florida Herald*.

[From the Detroit Morning Post.]

If we correctly comprehend the duties of our public officers, they extend to the protection of our frontier, and the preservation of the neutral relations of the government—but we beg to know if, when they identify themselves with the interest and cause of the royalists of the opposite shore,

they maintain their integrity with their own government? Does any construction of duty warrant them in putting themselves in correspondence or secret communication with the authorities of Canada, upon the subject of the Patriot movements? Does the defence or the protection of Canada devolve on them? If not, then why should they thus voluntarily assume the character of spies?

The report is currently circulated, and very general credence attaches to it, that the officers of the United States are in the habit of communicating to the Canadian authorities, and to the officers of the British army, whatever rumor or intelligence they can obtain (by fair means or foul) in relation to the organization, plans or movements of the Patriots in every or any quarter.

Moreover, it is said that the chivalric, undaunted Knights, who captured the schooner Victory, with the warlike crew of four men, and plundered her of a few guns and a small quantity of ammunition, so far forgot their duties and dignity, as to go to Malden, and there indulge their propensities in the "good Sherry and cheer" of the British camp—of course (we suppose) informing of all the particulars and plans of the Patriot campaign—at least such important ones of them as the Patriots themselves, had taken pains to communicate to Gen. Brady!!

We assert that the United States officers had no more right to go to Malden, on board a steamboat in the employ and service of the British authorities, and plunder an unprotected schooner, of private property, than a private citizen had to remove the guns belonging to the United States, (for they are not, as some may suppose, individual property,) from the armory of the Brady Guards.

The truth is, the sword of military power is waved over our heads—and the bayonets of "military despotism" are present at our own doors. The authority of the civil law, for the protection of individual property and the security of personal rights is annulled—and substituted in its stead are measures unworthy the standing of those who are entrusted with the execution of the law.

Such is a power which we reject. We deny that such authority exists among us—and we assert that no one is clothed with power of erecting, contrary to the spirit of our laws, over our heads, a judicial or military aristocracy.

The opprobrious epithets heaped by the hireling minions of British tyranny, and vulgarly mouthed by their sympathizing friends among ourselves, upon the fugitive exile and the persecuted patriot, who is hazing his all in a desperate effort to restore his country's freedom, and to avenge the ruthless desecrations of his altar and fireside, will avail them little among those who are true to the principles of their birthright—who revere the "green graves of their sires"—and in whose bosoms the last spark of the fire of liberty has not been extinguished.

The annals of history shall perpetuate their memory, and record their deeds of chivalric daring, and posterity shall consummate with their names that glorious constellation of human greatness formed by the illustrious names of Washington, Lafayette, Jefferson and their compatriots. Why, in the records of history is the name of Thrasylbulas mentioned with honor? Why, rather, was not the memory of the Athenian hero branded with infamy? Because, when an exile and a fugitive—confiding in the assistance of no state or government—with no commission, but what he derived from liberty, patriotism, and eternal justice, he marched with a band of bold adventurers to the overthrow of Spartan tyranny—expelled the Thirty Tyrants and relieved his countrymen from degrading bondage.

Nor are the cities of Argos and Thebes censured for extending to him protection. Nor is Isionias the Governor, reproved as unfaithful to the duties of his station, because he indulged in the generous impulses of benevolence and compassion towards an oppressed people, and gave privately that assistance and countenance which his official station forbade him publicly to avow.

The cloud which is gathering in the hemisphere of Canada, predicts a storm which will roll over the Provinces, till the thunder of Heaven bursts upon British dominion and misrule. And may the Almighty God of Hosts strengthen the arms of those who fight for the freedom of their native land. May he guide them to discreet counsels—assist them in their difficulties—relieve their distress—and give them victory in their battles.

A vital objection to Sir John Colborne's Ordinance suspending the Habeas Corpus in Lower Canada—It seems the special council which passed this ordinance was summoned to meet on the 9th November, and the ordinance bears date the eighth of that month, or the day preceding the commencement of the sittings of the body which passed it.—This statement was made before the Quebec Judges on the 20th Nov. and does not seem to have been contradicted by the Solicitor General of the Province then present.

*Mackenzie's Gazette.*

Gen. Sutherland, one of the Patriot prisoners, has been liberated by the Lieut. Governor of Upper Canada.

## NORTH AMERICAN:

SWANTON, JULY 3, 1859.

"Land of the free, and home of the brave."

*Liberty, go hide thyself!*—William Lyon Mackenzie has been tried and found guilty of a breach of Neutrality, and consequently sentenced to 18 months imprisonment in Monroe County jail, N. Y. He is also fined. Who could have anticipated such a decision? Were the jurors Americans? Is Judge Thompson an executive dependant? Mr. Mackenzie defended his own case, in a speech of eight hours, and with great ability it is said, but he perhaps neglected some of the nice technicalities of the law. He was immediately hurried to jail without being allowed a moment's time to prepare himself for such a humiliating situation, nor time to see his friends. He is now locked up in a solitary dungeon as though he was a felon. Oh liberty! where art thou? Is an American dungeon the only asylum afforded the oppressed sons of liberty in Canada? Is this the "home of the brave and the land of the free?" In a pecuniary point of view Mr. Mackenzie will be greatly embarrassed by this anti-American persecution. We suspect moreover that it is the intention of persons in high authority to suppress his journal.—Almost every thing has been done by certain officials in Washington to suppress the North American, and why should they not crush Mackenzie's Gazette.

The result of these trials afford too much consolation to the God-forsaken Tories of Canada; already the Montreal Courier comes out and insults the only honest and philanthropic portion of the Americans in these words: "Trifling in the extreme, as is the punishment in these cases, &c.—still it shows that the tide of sympathy is on the turn, and that American citizens are becoming somewhat alive to the respect they owe to themselves and their country, as claiming to be civilized."

## GUNS! GUNS!! GUNS!!!

## Great Alarm on the Frontier!

The Montreal papers have discovered handbills among the Volunteers of a very alarming character, which purport to have been signed by Samuel Houston, offering great inducements to the soldiers to desert. If offering to purchase guns is any inducement to desertion, it seems to argue but little for the safety of the Tories along the frontier. They certainly cannot depend much on soldiers that could be so easily induced to desert.

The 4th of July preparations along the lines have increased their alarm to a wonderful pitch. One Battalion of Grenadiers—the Royal Hussars—the 65th and 71st foot and the first Royals—King's dragoons, &c. &c. have left Montreal for the Missississipi and Odelltown frontiers, in anticipation of another Patriot movement. In addition to this force we would mention that Col. Dyer's corps of 400 men have been stationed in the vicinity of Missississipi Bay for some time past.

We suspect they contemplate giving Plattsburgh or New Orleans another drubbing.

## Fourth of July.

The preparations making here to celebrate the 4th are very extensive, and we think will give general satisfaction. We learn that the St. Albans band will be present. Four living emblems of freedom (American Eagles) have already come to take a part in the ceremonies. To add to the entertainments of the day there will be a splendid exhibition of fire works in the evening.

Mr. Bowditch will be the Orator of the day.

It would be pleasing to see as many ladies present on that occasion as can conveniently attend.

For further particulars see card.

## CONFISCATION.

The most bloody and sanguinary measures recommended by the Montreal Herald have invariably been adopted by Sir John of infamous memory. Look at the sentiments promulgated by that paper last year and mark the result.

"The punishment of the leaders, however agreeable it might be to the British inhabitants, would not make so deep and so useful an impression on the people as the sight of strange farmers settled on the farm of each agitator in each Parish. The sight of the widow and orphan hawking their wretchedness around those wealthy houses of which they should be dispo-

essed would have a good effect. We must not hesitate in the execution of this project. Special Commissioners should instantly be named with instructions to terminate the trials of this batch of traitors at present in prison. It is ridiculous to fatten fellows all the winter for the gallows."

*Montreal Herald.*

[From the Montreal Herald of June 22, 1859.]

We understand that warrants will shortly be issued for the confiscation and sale of the property belonging to such individuals as have been found guilty of High Treason. We believe that the confiscation will not extend to the property of refugees, although some of them are wealthy, and were the prime leaders in the rebellions. We have very little doubt that our sympathizing neighbours will make a mighty fuss about the barbarity and tyranny of the British Government in not only hanging and banishing a number of individuals guilty of political crimes, but in also seizing on the property requisite to support their wives and families in their now unprotected state. To this we can reply, that the confiscation will prove little more than a formal enforcement of an Ordinance, for almost all those who can be affected by it, and who had any property disposed of it long ago. But even if the law was to be enforced to the strict letter, it would only be in imitation of the conduct of the United States Government, and particularly of the Legislature of New York, which passed acts of confiscation in 1779 and succeeding years.

We could multiply our references to acts passed by the American legislatures and enforced against loyalists, to prove that the confiscation and sale of the property belonging to traitors in this province is neither unusual nor unjust, and we hope that our exposition of what was done by rebels against loyalists during the war of Independence, will have the effect of saving numerous sympathetic groans and tears in the United States, and of reserving the epithets of British oppression & tyranny for some more suitable occasion than the forthcoming confiscations in Canada.

We understand that convict dresses are ordered for the traitors who are to be banished to Botany Bay, and that the transport which is to convey them is shortly expected at Quebec. She will be well armed, so that the refugee patriots and sympathizing freemen in the States may abandon their idea of capturing her at sea, and thereby liberating the seventy or eighty martyrs to liberty who will be passengers on board of her. We know that such was at one time intended, but we dare say it will be found much easier and safer to talk about it than to put it in execution.

*Astonishing Credulity.*—The Montreal Herald has found an echo in Keene, N.H. for its most infamous productions. The *Cheshire Republican* copies the following from that worthy organ of the party that carries death and destruction through our native land, but is very careful to conceal the author from its readers.

The name of the Montreal Herald connected with any article is sufficient to damn it in the eyes of every candid American.

"The conduct of the Canadian habitants, to the unfortunate passengers on board the John Bull, was of a description which reflects the utmost disgrace upon their ancient character for good feeling, humanity, and hospitality.

"As an instance of their misconduct, one gentleman, who was clinging to the stern of the John Bull, cried to some habitants in a canoe for assistance; but they cruelly refused to comply with his request, unless he would promise to give them ten dollars. Another of the passengers asked for a glass of water, but was harshly told that there was plenty in the river. And, shocking to state, it is said that such was their avidity for plunder, that the ear-rings of Miss Ross were torn away."—*Montreal Herald*.

**BRITISH HUMANITY.**—Last fall when the Glengarians arrived from Beauharnois at St. Remy in the County of Laprairie, they made prisoner of a Mr. Grenier a merchant of that place. A little while after they discharged two pistols on him, and then they took all his clothes away leaving him completely naked, and finally leaving him his watch and all his money. Two charitable women, although Tories, picked up the body, brought it to their house and secreted it, so that the bloodhounds of volunteers should not find it. He was still alive. Mr. Grenier had not been long in the house of those kind women, when the Glengarians came and asked from the women to give up Mr. Grenier. The women replied they knew nothing about him.—Whereupon the volunteers searched the house, found Mr. Grenier, undressed his wounds which the kind women had dressed, and never left the house till they were sure that Mr. Grenier was entirely dead from the loss of blood.

Four respectable young ladies from the same place were stripped of their clothes by

those same volunteers and afterwards forced to submit to brutal treatment, worse than death. Many other women have been Colbornized in the same manner.

## SIGNS OF THE TIMES.

Great numbers of Emigrants from the West of Scotland are coming out to settle in Upper Canada, bringing large quantities of goods. The apprehension of a war with brother Jonathan, seems to have actuated all concerned with the trade of the North American Colonies to have an extra quantity of merchandize on this side of the Atlantic as soon as possible. This is the opinion of the English journals.

Seven thousand troops are ordered to the East Indies. Three thousand to Canada; mark that. For what are 3000 more troops ordered to Canada? For what has the British Government sent out a large quantity of arms and 40 millions of cartridges? This ought to be an eye opener to the Yankees.

**TRAITORS ARE ALWAYS REWARDED IN CANADA.**—John Duval who was once elected by the Upper Town of Quebec as a reformer, but who soon after his election showed the cloven foot and in consequence of which was made a "Queen's Counselor" is now named a judge for the district of Quebec in place of Judge Bedard. Thus this populous district is deprived of having a single Judge of French origin. Such is the State of Canada, honest men are displaced, persecuted and even put to death whilst traitors to their country's cause are elevated to the highest places in the gift of the Crown.

Our readers may remember that in Mr. Decoigne's biography, which was given in No. 3, it was stated that it was believed that the Catholic Clergy of both Canadas were consulted as to the victims to be sacrificed. We shall now offer proof of that assertion. When the trial of the prisoners of St. Cesaire was going on before the Court Martial, witnesses were heard for and against the prisoners. The Catholic priest of the parish by the name of Lamare was also sworn. His testimony was favorable to each of the prisoners, but as soon as he had finished his evidence, the president of the Court Martial ordered the room to be cleared, the prisoners to be removed and the priest to remain alone with the Court. He remained closeted with them about three hours when he came out, he made a jesuitical and hypocritical bow to the unfortunate prisoners he met on his way. Although these men were innocent of any participation in the insurrection, and the testimony substantiated that fact, still they were sentenced to Death. We leave our readers to decide whether the assertion has not been proved.

This same priest Lamare who was always considered one of the greatest dunces in the Montreal College, is now in the enjoyment of a revenue of about \$1200 a year. A few days before the trial mentioned above took place, Judas like he recommended from the pulpit the unfortunate prisoners to the prayers of the faithful, and the succeeding day having heard that a respectable old farmer was exerting himself to prove by affidavits from several persons that the accused had taken no part in the rebellion, he sent for the old man and after having reprimanded him for his zeal, he threatened him with the prison if he did not cease his exertions, telling him at the same time that the prisoners must be condemned.

The festival of St. Jean Baptiste was duly celebrated by the Patriot Refugees at Burlington on the 24th ult. Ludger Duvernay Esq. was called to the chair, S. Marchessault and B. Tetro acting Vice Presidents. Divine Service was performed by the Rev. Jeremiah O'Callaghan. The proceedings in official form have been furnished us, but for very obvious reasons and the same we gave when requested to publish the proceedings of the Celebration in this place, we cannot give it a place in our columns. We cannot pass over this subject however without expressing our surprise at the apparent good feeling which exists between the Patriot Refugees in Burlington and Priest O'Callaghan, who says boldly that he "hates and despises the Patriots." Is this Canadian Independence?